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14 **POLICE DEPARTMENT and**
15 **OFFICER JOHN BRANDON**

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10 UNITED STATES DISTRICT COURT
11
12 DISTRICT OF NEVADA

13 NATHAN OKPOTI, an individual,
14 Plaintiff,
15 vs.
16
17 LAS VEGAS METROPOLITAN POLICE
18 DEPARTMENT, a political subdivision of the
19 State of Nevada; OFFICER JOHN D.
20 BRANDON, in his individual and official
21 capacities, POLICE OFFICERS I-XX, and
22 JOHN DOES I-XX, inclusive,
23
24 Defendants.

Case No. 2:15-CV-00110-APG-CWH

**STIPULATION TO EXTEND
DISCOVERY**

(First Request)

18
19 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery
20 cut-off date of August 19, 2015, be continued for a period of ninety (90) days up to and including
21 November 17, 2015, for the purpose of allowing the parties to complete written discovery in this
22 matter; serve third-party subpoenas; disclose expert witnesses; and take several depositions of
23 the parties and witnesses.

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DISCOVERY COMPLETED TO DATE

2 Defendants, LAS VEGAS METROPOLITAN POLICE DEPARTMENT ("LVMPD")
3 and OFFICER JOHN D. BRANDON ("Brandon") (collectively, "Defendants") have produced
4 their initial Rule 26(f) Disclosures to NATHAN OKPOTI ("Plaintiff"). Plaintiff has likewise
5 produced his initial Disclosures to Defendants. The parties have not conducted any additional
6 discovery to date.

DISCOVERY YET TO BE COMPLETED

8 The parties, and each of them, will propound written discovery requests. It is anticipated
9 that, upon receipt of Plaintiff's responses, Defendants will serve multiple third party Subpoenas.
10 Supplemental written discovery may be propounded by any party based upon responses to the
11 initial written discovery.

12 The parties will conduct several depositions including, but not limited to, the depositions
13 of Plaintiff, the named Defendants, individual officers/detectives with knowledge of the incident,
14 Rule 30(b)(6) witnesses, expert witnesses, rebuttal expert witnesses, and all other persons with
15 knowledge of the incident.

16 The parties expect to disclose various expert witness and rebuttal expert witness reports.

REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

18 The Scheduling Order in this matter was recently entered on April 6, 2015. [Docket No.
19 22.] Prior to that, Defendants filed a Motion to Dismiss, [Docket No. 10.] The Motion to
20 Dismiss resulted in Plaintiff discovering a proper party and certain allegations that had not been
21 plead in the initial Complaint. As such, Plaintiff filed a Motion for Leave to Amend Complaint.
22 [Docket No. 14.] After Defendants filed a Notice of Non-Opposition, this Court granted
23 Plaintiff's Motion to Amend on May 26, 2015. [Docket No. 25.] Plaintiff will now need to file
24 the Amended Complaint and serve any new Defendants; and the current Defendants will respond

1 to the Amended Complaint.

2 Moreover, the Court's Order denied the pending Motion to Dismiss as moot due to the
 3 filing of the amended complaint. As such, it may be necessary for Defendants to file additional
 4 Motions to Dismiss, should the Amended Complaint warrant such a motion. Regardless, the
 5 Amended Complaint is likely to change the scope of discovery in this matter and an extension of
 6 discovery is necessary.

7 This extension request is made in good faith, jointly by the parties, to allow the present
 8 discovery dispute to be adjudicated by the Court. This request is timely pursuant to LR 26-4.
 9 Trial in this matter has not yet been set and dispositive motions have not yet been filed. As such,
 10 this extension will not delay this case. Moreover, since this request is a joint request, neither
 11 party will be prejudiced. In fact, the extension will benefit the parties in allowing them to
 12 properly litigate their case.

13 Accordingly, it is hereby stipulated and respectfully requested that this Court enter an
 14 order as follows:

15 (a) That the current discovery cut-off date of August 19, 2015, be extended for a
 16 period of ninety (90) days, up to and including November 17, 2015.

17 (b) The parties, and each of them, shall disclose their experts to each other at least
 18 sixty (60) days before the discovery cut-off date, or by September 18, 2015. The parties, and
 19 each of them, shall disclose rebuttal experts at least thirty (30) days after the initial date for
 20 disclosure of experts, or by October 19, 2015.

21 (c) All pretrial motions, including but not limited to, discovery motions, motions to
 22 dismiss, motions for summary judgment, and all other dispositive motions shall be filed and
 23 served no later than thirty (30) days after the close of discovery, which is by December 17, 2015.

24 (d) The Joint Pretrial Order shall be filed with this Court no later than thirty (30) days

1 after the date set for filing dispositive motions, which shall be by January 18, 2016, unless
2 dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall be
3 suspended until thirty (30) days after the decision on the dispositive motions or further order of
4 this Court.

5 (e) The last day for the parties to file a motion and/or stipulation to extend discovery
6 shall be twenty-one (21) days prior to the discovery cut-off, or October 27, 2015, or twenty-one
7 (21) days prior to the subject deadline.

8 The parties have entered into this Stipulation in an effort to complete discovery and
9 pretrial motions. The parties are not delaying the conclusion of this matter by way of trial or
10 otherwise; rather, the parties are trying to garner all the necessary information, through formal
11 discovery or interviews, to evaluate the case for settlement purposes.

12 DATED this 1st day of June, 2015.

13 KAEMPFER CROWELL

CANNON LAW SERVICES, LLC.

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20 IT IS SO ORDERED.

ORDER

21
22
23 C. W. Hoffman, Jr.
24 United States Magistrate Judge
Dated: June 2, 2015